

### **REMARKS/ARGUMENTS**

Claims 1, 36, 38-60 and 64 are pending and rejected in the instant application. In response to the Office Action rejection, claim 1 has been amended. Support for the amendment can be found throughout the specification, especially on page 17, lines 17-19. No new matter has been added. Applicants respectfully request the Examiner enter the amendment and allow the application in view of the following comments.

The main issue remaining is whether or not the claims are anticipated by Cottingham et al. (WO 97/10056; 20 March 1997), or rendered obvious over Cottingham et al. over additional references. Applicants respectfully submit that the amendment of claim 1 clearly distinguishes the pending claims from the disclosure of Cottingham et al.


Cottingham et al. discloses a DNA card comprising sample cells. Each sample cell comprises a chamber with a single dried reagent spot, an open port and an air vent. The DNA card disclosed is comprised of three layers of plastic film (see e.g., p. 13: Fig. 8). The three plastic film layers of the DNA card are held together by a pressure-sensitive adhesive that is typically about 0.001 inch thick (see e.g., p. 13). Each sample chamber contains, in the form of a single, discrete spot, dried DNA amplification and assay reagents adhered to the sample chamber interior (see e.g., pages 10 and 16).

As discussed above, Cottingham et al. does not teach or disclose an array of biomolecular probes positioned on the first surface of the substrate within a reaction volume (or sample chamber), or an adhesive layer as recited in the amended claim 1. More specifically, the Cottingham et al. reference teaches an apparatus comprising

multiple sample chambers each containing a single spot. The structure of the apparatus is quite different as well, since the middle plastic layer of Cottingham et al. is held together with each of the other two plastic layers by an adhesive layer (see e.g. page 13). The DNA card of Cottingham et al. consists essentially of five distinct layers. Applicants respectfully submit that the amended claims are patentably distinct from the disclosure of Cottingham et al. and request allowance of these claims.

Early and favorable action is earnestly solicited.

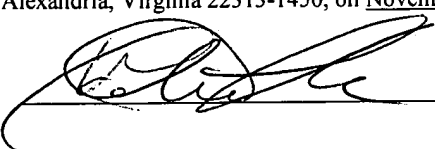
Respectfully submitted,  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 11, 2004.

Signature: 

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